

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 13, 2002

DIVISION TWO

B153766 People (Not for Publication)
v.
Padilla, et al.

The superior court is directed to stay the concurrent sentence for stalking (count 1) of each defendant pursuant to section 654. In all other respects, the judgments are affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

DIVISION THREE

B153691 Ramirez, etc. (Not for Publication)
v.
Long Beach Unified School District

The judgment is affirmed. Costs on appeal are awarded to defendant and respondent Long Beach Unified School District (School District).

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B157220 Yao (Certified for Publication)

v.
Superior Court, Los Angeles County
(Lovell, r.p.i.)

The alternative writ, having served its purpose, is discharged. Let a peremptory writ of mandate issue compelling respondent court to set aside its March 14, 2002 order granting real party in interest Brian Lovell's motion to require petitioner Ruby Yao to post security in order to prosecute her cross-complaint and to enter a new and different order denying that motion. Our April 2, 2002 order staying enforcement of the March 14, 2002 order is to remain in effect until the remittitur issues. Petitioner Yao is to recover her costs in this writ proceeding. (Rule 56.4, subd. (a), Cal. Rules of Court.)

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B152950 Holmes (Not for Publication)

V.
Holmes

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B135346 People (Not for Publication)

V.
Green

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B139547 Morton, et al. (Not for Publication)
 v.
 Larson, et al.

The award of punitive damages against Carroll Dean Rasmussen is reversed. The award of attorney's fees is reduced by \$94,550 in light of the views expressed in this opinion. The award of costs is reduced by \$8,793. The judgment is otherwise affirmed. Morton is to have his costs on appeal against Larson, and as between Morton and Rasmussen, each is to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

DIVISION FIVE

B155673 People (Not for Publication)
 v.
 Lafayette Cade

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

B156460 People
 v.
 Clayton

Petition for rehearing denied.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B152420 People v. McGee
B154247 People v. Deandre H.
B154470 People v. Argumaniz
B154743 People v. Aguilar
B155189 People v. DeLeon
B155201 People v. Arnold
B155950 People v. Cole
B157136 People v. Michael W.
B157682 People v. Vasquez
B157325 DCFS v. Cynthia S.
B157482 DCFS v. Eric D.
B158866 DCFS v. Esperanza F.
B161752 Brenda M. v. SCLA

Argument waived, cause submitted.

B153483 People
 v.
 Wizar

Merits:

Argued by Janet Uson for appellant and by Ericka Jackson, Deputy Attorney General for respondent. Cause submitted.

B157099 People
 v.
 Valenzuela

Merits:

Argued by Linda Acaldo for appellant and by Laura Hartquist, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B156464 People
 v.
 Carter

Merits:
Argued by Harry Zimmerman for appellant and by Paul Roadarmel, Deputy Attorney General for respondent. Cause submitted.

B158898 Graves
 v.
 Graves

Merits:
Argued by Paul Hammons for appellant and no appearance for respondent. Cause submitted.

B150994 Linger
 v.
 Long's Drug Store
 Integrity Maintenance

Merits:
Argued by Vana Margoese for appellant and by Judith Tiskhoff and Sarah Yoseloff for respondents. Cause submitted.

B161117 Mehdizadeh
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Merits:
Argued by Alex Ricciardulli for petitioner and by Patricia Martinez for respondent. Cause submitted.

B143848 Crouch
 v.
 Shields for Families

Merits:
Argued by Barbara Ravitz for appellant and by David Spivak for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B151655 In re Conservatorship of Freda N. Hathaway

v.

Loline Hathaway, et al.

Merrie Hathaway

Merits:

Argued by Evan Marshall for appellant and by Vincent Finigan and Paul Samuels for respondents. Cause submitted.

B156359 Kapsimallis, et al.

v.

Allstate Insurance Co.

Merits:

Argued by Joel Cohen for appellants and by Peter Klee for respondent. Cause submitted.

Court recessed at 12:04 P.M.

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J., Croskey, J. (Assigned) and Eva McClintock, Deputy Clerk.

B145698 Moreno

v.

Sanchez

Merits:

Argued by Harold Stanley for appellant and by Robert Brown for respondent. Cause submitted.

B155888 Dean

v.

Fleet Financial

Merits:

Argued by Daniel Bergman for appellant and by Sana Swe for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B157423 Isabel Pacific, et al.
v.
City Council of Los Angeles, et al.
Avalon Bay

Merits:
Argued by Jeri Burge and James Arnone for appellants and by Pamela Schmidt for respondents. Cause submitted.

B150223 Hartford Fire Insurance
v.
Century Properties, et al.

Merits:
Argued by Gwen Freeman for appellants and by John Feeley for respondent. Cause submitted.

B154314 Sizzler International
v.
J.S.J.F. Corp.

Merits:
Argued by Peter Appleton for appellant and by Daniel Stimpert for respondent. Cause submitted.

B151365 Gilbert, et al.
v.
Master Washer
Gernsbacher

Merits:
Argued by David Gernsbacher for appellants and by John Fischbach and Eric Brown for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B151534 Fletcher
v.
Davis, et al.
Gernsbacher, et al.

Merits:
Argued by F. Fletcher for appellant and by Kathryn Davis, David Gernsbacher, Joseph Fischbach and Jay Stocker for respondents. Cause submitted.

Court adjourned at 4:43 P.M.

DIVISION EIGHT

B154136 People (Not for Publication)
v.
Turner

We remand for the trial court to revisit the meaning of its comments regarding a possible doubled 16-month sentence; to reconsider appellant's motion to strike his prior conviction; and, if necessary, to resentence appellant. In all other respects, we affirm the judgment.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B155184 People (Not for Publication)
v.
Ortiz

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

December 13, 2002 (Continued)

DIVISION EIGHT (Continued)

B157102 People (Not for Publication)
v.
Barrera

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B153572 Politi (Not for Publication)
v.
County Of Los Angeles

Appellant has not and cannot show grounds to support an independent action in equity to set aside the prior judgment. The judgment of the trial court sustaining the demurrer to the complaint of appellant is sustained. The judgment of dismissal is affirmed. Costs on appeal are awarded to respondent.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

[illegible]

The order denying defendant Galinson's motion to compel arbitration is reversed. The trial court is directed to enter an order compelling arbitration. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

December 13, 2002 (Continued)

DIVISION EIGHT (Continued)

B150489 Peacock (Not for Publication)

V.

Los Angeles County Metropolitan Transit Authority, et al.

The order of dismissal is reversed. Each party to bear his or its own costs.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B140757 Regency Wines, Inc. (Not for Publication)

V.

Champagne Montaudon

The order staying the action is reversed. The trial court is directed to exercise its discretion in considering Montaudon's claim of forum nonconveniens. Regency is entitled to its costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.